

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT FESSLER
11796 MONITOR-MCKEE ROAD
WOODBURN, OREGON 97071

503-634-2231

to use the waters of ONE WELL in the ZOLLNER CREEK BASIN for IRRIGATION OF 20.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 117.8 ACRES.

This Permit is issued approving Application G-12003. The date of priority is DECEMBER 26, 1989. The use is limited to not more than 1.17 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NE 1/4, SECTION 11, T 6 S, R 1 W, W.M.; 82 FEET SOUTH AND 770 FEET WEST FROM NE CORNER, SECTION 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	4.0 ACRES	36.0 ACRES
NW 1/4 NE 1/4	3.6 ACRES	26.4 ACRES
SW 1/4 NE 1/4	3.8 ACRES	26.2 ACRES
SE 1/4 NE 1/4	9.0 ACRES	29.2 ACRES

SECTION 11
TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The water user shall report a March static water level in the well to the Ground Water/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, or professional engineer. Failure to report this annual measurement shall invalidate use under this permit.

Use of water from the well shall be regulated if the well displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the initial water level in the well was 127 feet below land surface on March 2, 1990. That is the level from which previously cited declines will be referenced.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the Department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before NOVEMBER 26, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use granted herein may be made only at times when sufficient water is available to satisfy all prior rights.

Issued this date, NOVEMBER 26, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director